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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/914,664	08/31/2001	Maik Brett	56242	9978
21874	7590	08/09/2004	EXAMINER	
EDWARDS & ANGELL, LLP			TRAN, TRANG U	
P.O. BOX 55874			ART UNIT	
BOSTON, MA 02205			PAPER NUMBER	
			2614	

DATE MAILED: 08/09/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/914,664

Applicant(s)

BRETT ET AL.

Examiner

Trang U. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-16 is/are rejected.
- 7) ☐ Claim(s) 11,17 and 18 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed June 02, 2004 have been fully considered but they are not persuasive.

In re pages 8-11, applicants argue that, claim 10 is patentable over the Suzuki and Ryuichi references, whether taken alone or in combination, because the combination does not teach or suggest a step of determining the time duration between two horizontal start pulses of a main picture in order to calculate the horizontal position of an inset picture with respect to a main picture based on the determined time duration and Ryuichi cannot be combined with Suzuki because measuring the time between signal H and Rf in Ryuichi is incompatible with the pulse width approach disclosed in Suzuki.

In response, the examiner respectfully disagrees. Suzuki et al discloses in col. 11, lines 49-52 that **"When 250 horizontal synchronism pulses Hs are further supplied, an output of the counter 116 is brought into a high level,** and the high level signal is inputted to an AND gate 111". From the above passage, it is noted that the counter 116 of Suzuki et al is used to determine the time duration between two horizontal start pulses of a main picture in order to calculate the horizontal position of an inset picture with respect to a main picture based on the determined time duration.

Applicants cannot show non-obviousness by attacking the references individually where, as here, the rejection is based on a combination of references. In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Ryuichi et

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al teaches the advantage of adjusting the on-screen display position automatically regardless of dispersion in the electronic circuit without manual operation by measuring a time from the leading of a horizontal synchronizing signal till the leading of a display signal. One of ordinary skill in the art would have been motivated to combine the references as proposed by the Examiner for the advantage as taught by Ryuichi et al.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroyuki Suzuki et al (EP Publication No. 0 318 986 A2) in view of Hori Ryuichi et al (JP Publication No. 10-013760).

In considering claim 10, Hiroyuki Suzuki et al discloses all the claimed subject matter, note 1) the claimed a method for inserting an inset picture (EB) into a main picture (HB) constructed from a plurality of lines, which is transmitted with a video signal (HVS) and in the case of which the construction of a new line of the main picture (HB) from pixels is begun when a start pulse (IP) is detected in the video signal (HVS), comprising: determining two start pulses (IP) is met by the pulse width of the horizontal synchronism pulse signal Hs and the oscillator 104 which generates the horizontal position counting pulse of the picture or

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character signal generator 100 (330 pulses) (Figs. 5 and 6, col. 6, line 2 to col. 8, line 15), and 2) the claimed after a specific number - dependent on the duration determined and on a desired vertical position (WP) of the inset picture (EB) within the main picture (HB) - of pixels from the beginning of a line of the main picture (HB) that is provided for the insertion, a line of the inset picture (EB) is inserted within this provided line of the main picture (HB) is met by the distance corresponding to 300 pixels in the horizontal direction is positioned of the character (or picture 620) to be displayed (Fig. 6, col. 7, line 11 to col. 8, line 15).

However, Hiroyuki Suzuki et al explicitly do not disclose the claimed determining the time duration between two start pulses.

Hori Ryuichi et al teach that a correction time detection section 4 detects a leading of a horizontal synchronizing signal H placed just before a reference signal Rf based on an output of a horizontal synchronizing signal detection section 1 and then detects the leading of the reference signal Rf based on an output of a reference signal detection section 2 to obtain a time T1 between both leading signals (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the determining the time duration T1 as taught by Hori Ryuichi et al into Hiroyuki Suzuki et al's system in order to adjust the on-screen display position automatically regardless of dispersion in the electronic circuit without manual operation by measuring a time from the leading of horizontal synchronizing signal till the leading of the display signal.

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In considering claim 12, the claimed wherein the nominal line duration (NZD) is selectable is met by the pulse width of the horizontal synchronism pulse signal Hs is 4.5  $\mu$ sec in a standard case but is actually selected from a range of 4 to 6  $\mu$ sec (Fig. 6, col. 7, line 10 to col. 8, line 15) of Hiroyuki Suzuki et al.

In considering claim 13, the claimed wherein the duration between an m-th start pulse and an n-th start pulse is determined and the (n-m)-th part of the duration is used for determining the specific number of pixels (b actual), where the following holds true:  $n > m$  is met by the determining the time duration T1 of Hori Ryuichi et al.

In considering claim 14, the claimed wherein the specific number of pixels (b actual) is a whole-lined multiple of k pixels is met by Fig. 6, col. 7, line 10 to col. 8, line 15 of Hiroyuki Suzuki et al.

In considering claim 15, the claimed wherein the specific number of pixels (b actual) after which each line of the inset picture (EB) is inserted within the respectively provided line of the main picture (HB) is uniform for all lines of the inset picture (EB) is met by the distance corresponding to 300 pixels in the horizontal direction is positioned of the character (or picture 620) to be displayed (Fig. 6, col. 7, line 11 to col. 8, line 15) of Hiroyuki Suzuki et al.

In considering claim 16, the claimed wherein the specific number of pixels (b actual) after which each line of the inset picture (EB) is inserted within the respectively provided line of the main picture (1113) is uniform for every i-th line of the inset picture (EB) is met by the distance corresponding to 300 pixels in the

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horizontal direction is positioned of the character (or picture 620) to be displayed (Fig. 6, col. 7, line 11 to col. 8, line 15) of Hiroyuki Suzuki et al.

***Allowable Subject Matter***

4. Claims 11 and 17-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (703) 305-0090. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT TT  
August 7, 2004

  
MICHAEL H. LEE  
PRIMARY EXAMINER